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<div>7590 Robert B. Reeser, III Suite 1800 7700 Forsyth Boulevard St. Louis, MO 63105</div>				
EXAMINER				
LU, JIPING				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/728,233

Applicant(s)NICHOLSON, DENNIS
LAWRENCE**Examiner**

Jiping Lu

Art Unit

3743

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5,7,9,10,13-15,21 and 22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5,7,9,10,13-15,21 and 22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Status

1. Claims 1-3, 5, 7, 9-10, 13-15, 21-22 are now in the case. Claims 4, 6, 8, 11-12 and 16-20 have been cancelled.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-3, 5, 7, 9-10, 13-15, 21-22 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The claimed limitations regarding "... said body outer surface comprising a plurality of second fastening mechanisms for coupling said body to said support, at least one of said plurality of the second fastening mechanisms coupleable to said at least one first fastening mechanism, said plurality of second fastening mechanisms positioned..." in claim 1; the limitation of "...said body outer surface comprising a plurality of second fastening mechanism for coupling said body to the support ... at least one of said plurality of the second fastening mechanisms coupleable to said at least one first fastening mechanism, said plurality of second fastening mechanisms positioned.." in claim 7 and the limitations "securing the apparatus to the

support using at least one first fastening mechanism coupled to the body inner surface and at least one of a plurality of second fastening mechanisms coupled to the body outer surface” and “removably coupling the golf glove flap portion to one of the plurality of second fastening mechanisms and the golf glove backing portion to another of the plurality of second fastening mechanisms” in claim 13 constitute new matter not supported by the original specification of 12/4/03. Nowhere in the original specification does the applicant describe anything about “at least one of said plurality of the second fastening mechanisms coupleable to said at least one first fastening mechanism” and the newly added limitations of claims 7 and 13. The original filed drawings also failed to illustrate such coupling relationship between first and second fastening mechanisms.

Claim Rejections - 35 USC § 103

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
5. Claims 1-3, 5, 7, 9-10, 13-15 and 21-22 are rejected under 35 U.S.C. 103(a) as obvious over Jacobson (U. S. Pat. 6,499,227) in view of Unverzagt (U. S. Pat. 6,471,091) and Kilbey (U. S. Pat. 3,587,570).

Jacobson shows a golf cart 15 comprising a golf cart frame support 20 having at least one external surface and defining a longitudinal axis and an apparatus 10 for coupling a glove 80 to said support 20 which are arranged same as claimed. The apparatus 10 comprises a first end (top end at 34), an opposing end (bottom, below 34) and a body 35 extends between the first end and the second end. The body 35 comprises an inner surface and an opposite outer surface (see

Figs. 3C-3E). The body 35 is coupled to the support 20 such that a central axis of the body extends from the first end to the second and such that the body is substantially concentrically aligned with and surrounds the support 20. The central axis is substantially coaxial with the longitudinal axis when the body substantially conforms to the at least one external surface of the support 20. When the apparatus 10 is coupled to the support 20, the body comprises at least one first fastening mechanism 70 for coupling the body 10 to the support 20. The body outer surface comprises at least one second fastening mechanism 40 for removably coupling the glove 80. However, Jacobson does not show the second fastening mechanism extending between the first end and the second end and at least one third fastening mechanism with a closed loop for removably coupling other golf equipment. Unverzagt shows a golf glove drying apparatus 24 that is capable of being used with a frame support having a longitudinal axis extending therethrough comprising a first end (not numbered, see Fig. 1, near arrow 38), an opposing second end (not numbered, near arrow 10), and a body 24 extending from said first end to said second end, a first edge (at 28) extending from said first end to said second end, and a second edge (at 24) along a second axis that is substantially perpendicular to said first axis. Said first edge is longer than said second edge. Said body comprises an inner surface 32 and an opposing outer surface 34. Said body 24 is configured to couple to the frame support such that said first edge is substantially parallel to the frame longitudinal axis and said second edge substantially circumscribes the support. Central axis of said apparatus extends from said first end to said second end and such that said body is aligned substantially concentrically with and surrounds the support. Said central axis is substantially coaxial with the frame longitudinal axis when said body substantially conforms to an external surface of the support and when said apparatus 24 is

coupled to said support. Said body inner surface 32 comprises at least one first fastening mechanism (hook portion of fastening member 36) and said body outer surface 30 comprises a plurality of second fastening mechanism (loop portion of fastening mechanism 36 and loop portion 40) for coupling said body 24 to the support, said at least one first fastening mechanism 36 extending parallel to said first axis (as shown in Fig. 1, fastening mechanism 36 extends from left at 26 to right at 28 which is parallel to the first axis), at least one of said plurality of second fastening mechanisms coupleable to said at least one first fastening mechanism (see Fig. 1). Said plurality of second fastening mechanisms are positioned for removably coupling the glove flap portion and the glove backing portion directly against said body outer surface in a mating arrangement against said outer surface when said apparatus is coupled to the support, said at least one second fastening mechanism 38 extending between said first end and said second end. The second fastening mechanism 38 also extends parallel to said first axis (see Fig. 1, fastening mechanism 38 extends from left to right which is parallel to the first axis). Kilbey shows an apparatus that is capable of being used with a frame support having a longitudinal axis extending therethrough for drying golf glove comprising a body 10, a first fastening mechanism 22, 24, 32 that is capable of being used for coupling the body to a golf cart frame support, at least one second fastening mechanism 48 that is capable of being used for removably coupling the glove directly against said body, and at least one third fastening mechanism 50 that is capable of being used for coupling other golf equipment. The at least one third fastening mechanism 50 comprises a closed loop 58, 60. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute the apparatus 10 of Unverzagt for the glove coupling apparatus 10 of Jacobson in order to facilitate coupling/removing drying apparatus

to/from the golf cart and to further modify the glove coupling apparatus to include at least one third fastening mechanism as taught by Kilbey in order to drying more golf items and improve the efficiency. The claims would have been obvious because the substitution of one known element for another would have yielded predictable results to one ordinary skilled in the art at the time of invention. (See KSR International Co. v. Teleflex, Inc. 82 USPQ 2d 1385 (2007). The drying apparatus of Jacobson as modified by Unverzagt and Kilbey discloses the claimed invention except for the first edge (height) longer than the second edge (width). As to the size of the rectangular shape of the body, i. e. the claimed first edge is the height of the rectangle and the second edge is the width of the rectangle, it would have been an obvious matter of design choice to design the first edge 28 of the apparatus 38 of Unverzagt longer than the second edge in order to accommodate more space area, since such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art. In re Rose, 105 USPQ 237 (CCPA 1955). As for the limitations, “an apparatus for coupling a glove including a flap portion and a backing portion to said support” in lines 4-5 of claim 1, “... for removably coupling the glove flap portion and the glove backing portion directly against aid body such that....when said apparatus is coupled to said support” in lines 17-20 of claim 1, “...for removably coupling a golf glove flap portion and a golf glove backing portion... when said apparatus is coupled to the support” in lines 16-18 of claim 7, it is viewed as functional or intended use limitations. As MPEP 2114 states, “[a] claim containing a “recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus” if the prior art apparatus teaches all the structural limitations of the claim”. In this case, the limitation above does not add

any structural limitations to the claim and the drying apparatus of Jacobson as modified by Unverzagt discloses all the structural limitations. Additionally while not disclosed, the drying apparatus of Jacobson as modified by Unverzagt is capable of being used for performing above claimed functions. As to the claimed a plurality of second fastening mechanisms, it would have been obvious to one having ordinary skill in the art at the time the invention was made to design the golf cart drying apparatus with a plurality of second fastening mechanisms in order to pursue an intended use, since it has been held that mere duplication of the essential working parts of a device involve only routine skill in the art. In re Harza, 274 F. 2d 669, 124 USPQ 378 (CCPA 1960).

6. Claims 7, 9-10 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Unverzagt (U. S. Pat. 6,471,091) in view of Kilbey (U.S. Pat. 3,587,570).

Unverzagt shows a golf glove drying apparatus 24 for use with a frame support having a longitudinal axis extending therethrough comprising a first end (not numbered, see Fig. 1, near arrow 38), an opposing second end (not numbered, near arrow 10), and a body 24 extending from said first end to said second end, a first edge (at 28) extending from said first end to said second end, and a second edge (at 24) that is substantially perpendicular to said first axis, said body comprises an inner surface 32 and an opposing outer surface 34, said body 24 is configured to couple to the frame support such that said first edge is substantially parallel to the frame longitudinal axis and said second edge substantially circumscribes the support, a central axis of said apparatus extends from said first end to said second end and such that said body is aligned substantially concentrically with and surrounds the support, said central axis is substantially coaxial with the frame longitudinal axis when said body substantially conforms to an external

surface of the support and when said apparatus 24 is coupled to said support, said body inner surface 32 comprises at least one first fastening mechanism (hook portion of fastening member 36) and said body outer surface 30 comprises a plurality of second fastening mechanism (loop portion of fastening mechanism 36 and loop portion 40) for coupling said body 24 to the support, said at least one first fastening mechanism 36 extending parallel to said first axis or edge (as shown in Fig. 1, fastening mechanism 36 extends from left at 26 to right at 28 which is parallel to the first axis), at least one of said plurality of second fastening mechanisms (loop portion of fastening mechanism 36) coupleable to said at least one first fastening mechanism (hook portion of fastening member 36), said plurality of second fastening mechanism positioned for removably coupling a golf glove flap portion and a golf glove backing portion directly against said body 24 outer surface in a mating arrangement when said apparatus is coupled to the support, said at least one second fastening mechanism 38 extending between said first end and said second end. The second fastening mechanism 38 also extends parallel to said first axis (see Fig. 1, fastening mechanism 38 extends from left to right which is parallel to the first axis). As for the limitations, "A golf glove drying apparatus for use with a frame support having a longitudinal axis extending therethrough" in lines 1-2 of claim 7, "said body is configured to couple to the frame support such that when said apparatus is coupled to said support" in lines 6-8 of claim 7, "... for coupling said body to the support" in line 13 of claim 7, "...for removably coupling a golf glove flap portion and a golf glove backing portion... when said apparatus is coupled to the support" in lines 15-18 of claim 7, they are viewed as functional or intended use limitations. As MPEP 2114 states, "[a] claim containing a "recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed

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apparatus from a prior art apparatus” if the prior art apparatus teaches all the structural limitations of the claim”. In this case, the limitations above do not add any structural limitations to the claim and Unverzagt discloses all the structural limitations. Additionally while not disclosed, the apparatus 24 of Unverzagt is capable of being used for use with a frame support having a longitudinal axis extending therethrough for drying golf glove and to perform above claimed functions. It must be noted that the claimed limitations merely define a size of the rectangular shape of the body. In other words, the claimed first edge is the height of the rectangle and the second edge is the width of the rectangle. Unverzagt discloses the claimed invention except for the first edge (height) longer than the second edge (width). It would have been an obvious matter of design choice to design the first edge 28 of the apparatus 38 of Unverzagt longer than the second edge in order to accommodate more space area, since such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art. In re Rose, 105 USPQ 237 (CCPA 1955). As to the claimed a plurality of second fastening mechanisms, it would have been obvious to one having ordinary skill in the art at the time the invention was made to design the golf cart drying apparatus with a plurality of second fastening mechanisms in order to pursue an intended use, since it has been held that mere duplication of the essential working parts of a device involve only routine skill in the art. In re Harza, 274 F. 2d 669, 124 USPQ 378 (CCPA 1960). However, the drying apparatus of Unverzagt does not show at least one third fastening mechanism for removably coupling other golf equipment. Kilbey shows an apparatus that is capable of being used with a frame support having a longitudinal axis extending therethrough for drying golf glove comprising a body 10, a first fastening mechanism 22, 24, 32 that is capable of

being used for coupling the body to a golf cart frame support, at least one second fastening mechanism 48 that is capable of being used for removably coupling the glove directly against said body, and at least one third fastening mechanism 50 that is capable of being used for coupling other golf equipment. The at least one third fastening mechanism 50 comprises a closed loop 58, 60. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the apparatus of Unverzagt to include at least one third fastening mechanism as taught by Kilbey in order to dry more golf items and improve the efficiency. The claims would have been obvious because the substitution of one known element for another would have yielded predictable results to one ordinary skilled in the art at the time of invention. (See KSR International Co. v. Teleflex, Inc., 82 USPQ 2d 1385 (2007)).

Response to Arguments

7. Applicant's arguments filed 2/9/11 have been fully considered but they are not persuasive because claims fail to structurally define over the prior art references. The claimed invention is merely a rectangular shaped sheet with exterior Velcro material for hooking on a glove wrapping around a golf cart support. This is well known in the art. The prior art references clearly show such conventional uses of Velcro. Jacobson patent shows a structure wrapping around a golf cart support for attaching gloves same as the applicant's. Unverzagt clearly shows a hook and loop structure in the shape of a band, not a rectangular shape, for using to hook or attach items on the exterior surface same as the applicant's. Kilbey shows multiple fastening a mechanism 22, 24, 26, 28 for attaching different items same as the applicant's. The examiner is not convincing the claimed rectangular shaped adhesive material for attaching a glove is patentable in view of the

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teachings of the prior art references. In the Remarks, the applicant argues that the prior art references fail to show or teach “at least one of said plurality of the second fastening mechanisms coupleable to said at least one first fastening mechanism” of claim 1; “at least one of said plurality of the second fastening mechanisms coupleable to said at least one first fastening mechanism” of claim 7 and “securing the apparatus to the support using at least one of the first fastening mechanism coupled to the body inner surface and at least one of a plurality of seconds fastening mechanisms coupled to the body outer surface” and “removably coupling the golf glove flap portion to one of the plurality of second fastening mechanisms and the golf glove backing portion to another of the plurality of second fastening mechanisms” of claim 13.

However, these newly added limitations constitute new matter not supported by the original specification of 12/4/03. The examiner requests the applicant clear identify each and every claim element by its reference numerals, if any. There is simply no support for such newly added claimed features. In the Remarks, the applicant, in essence, argues that there is no combination of the cited references describes or suggests a body outer surface including a plurality of second fastening mechanisms. Examiner disagreed. As to the claimed plurality of second fastening mechanisms, it would have been obvious to one having ordinary skill in the art at the time the invention was made to design the golf cart drying apparatus with a plurality of second fastening mechanisms in order to pursue an intended use, since it has been held that mere duplication of the essential working parts of a device involve only routine skill in the art. In re Harza, 274 F. 2d 669, 124 USPQ 378 (CCPA 1960). The applicant also argues that there is no combination of the cited references describes or suggests a body having a first edge that is longer than the second edge. This is no true. Unverzagt patent discloses the claimed invention except for the first

edge (height) longer than the second edge (width). It is the examiner's position that it would have been an obvious matter of design choice to design the first edge 28 of the apparatus 38 of Unverzagt longer than the second edge in order to accommodate more space area, since such a modification would have involved a mere change in the size of a component. The applicant also argues that Kilbey patent does not show a golf glove drying apparatus that includes a body outer surface with second fastening mechanisms for removably coupling a golf flap portion and a golf backing portion. The examiner disagrees. The drying apparatus of Unverzagt patent includes all that is recited in claims 20-21 except for at least one third fastening mechanism. Kilbey shows an apparatus with at least one third fastening mechanism 50 that is capable of being used for coupling other golf equipment. The at least one third fastening mechanism 50 comprises a closed loop 58, 60. Therefore, it would have been obvious to one skilled in the art to further modify the apparatus of Unverzagt to include at least one third fastening mechanism as taught by Kilbey in order to dry more golf items and improve the efficiency. The claims would have been obvious because the substitution of one known element for another would have yielded predictable results to one ordinary skilled in the art at the time of invention. (See KSR International Co. v. Teleflex, Inc. 82 USPQ 2d 1385 (2007)). The applicant further argues that there is no teaching to combine the patents to Jacobson, Unverzagt and Kilbey. Specifically, there is no combination of the prior art references to suggest a golf glove drying apparatus that includes a body and a first edge that is longer than a second edge. The examiner does not agree. In response to applicant's argument that there is no teaching, suggestion, or motivation to combine the references, the examiner recognizes that obviousness may be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching,

suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988), *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992), and *KSR International Co. v. Teleflex, Inc.*, 550 U.S. 398, 82 USPQ2d 1385 (2007). In this case, the drying apparatus of Jacobson as modified by Unverzagt as above includes all that is recited in claims 20-21 except for third fastening mechanism. Kilbey shows a third fastening mechanism 50 that is capable of being used for coupling other golf equipment. The at least one third fastening mechanism 50 comprises a closed loop 58, 60. Therefore, it would have been obvious to one skilled in the art to further modify the apparatus of Jacobson to include at least one third fastening mechanism as taught by Kilbey in order to dry more golf items and improve the efficiency. The claims would have been obvious because the substitution of one known element for another would have yielded predictable results to one ordinary skilled in the art at the time of invention. (See *KSR International Co. v. Teleflex, Inc.*, 82 USPQ 2d 1385 (2007).

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jiping Lu whose telephone number is 571 272 4878. The examiner can normally be reached on Monday-Friday, 9:00 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, KENNETH RINEHART can be reached on 571-272-4881. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jiping Lu/
Primary Examiner
Art Unit 3743

J. L.